

REMARKS

Applicants appreciate the extremely detailed and thorough review of the present application that is reflected in the Office Actions dated July 1, 2003, October 4, 2003, May 3, 2004, October 25, 2004, June 27, 2005, December 27, 2005, May 22, 2006 and August 15, 2006. Applicants likewise appreciate the continued allowance of Claims 6, 8 and 9, and the indication that Claims 4 and 5 would be in condition for allowance if rewritten into independent form. Applicants have rewritten Claim 4 into independent form, thereby placing Claims 4 and 5 into condition for allowance. The following remarks address the new rejections asserted against Claims 1, 2 and 54 in the August 15, 2006 Office Action, and discuss newly presented Claims 55-58.

I. The Rejection of Claim 1 Under 35 U.S.C. § 103

Claim 1 stands rejected under 35 U.S.C. § 103(a) over newly cited U.S. Patent No. 7,047,210 to Srinivasan ("Srinivasan ") in view of U.S. Patent No. 6,549,904 to Ortega. Claim 1 recites:

1. A method of updating information maintained at an intermediary web site on a computer network about items being auctioned at a plurality of remotely located auction sites on the computer network, wherein the **information is displayable to users accessing the intermediary web site** via the computer network, the method comprising:

obtaining auction item data that has changed since a previous time for auctions currently being conducted at the respective auction sites, wherein each auction site includes a data engine that is configured to obtain data about each item currently being auctioned at the respective auction site, and wherein the intermediary web site includes an agent that is configured to communicate with and **retrieve auction item data from each auction site** data engine, comprising:

establishing a TCP/IP connection between the agent and each respective data engine; and

sending an HTTP request from the agent to each respective data engine via the TCP/IP connection to obtain auction item data that has changed since a previous time;

extracting keywords from the obtained auction item data via the agent;
and

storing the extracted keywords via the agent, wherein each stored keyword is associated with an item currently being auctioned at a respective one of the plurality of remotely located auction sites, and wherein the **stored keywords are searchable by users accessing the intermediary web site.**

Applicants respectfully submit that the cited portions of the applied references fail to disclose or suggest at least each of the above-emphasized five (5) recitations of Claim 1. Applicants also respectfully submit that a person of skill in the art would not have been motivated to combine the references as suggested in the Office Action. Accordingly, for each of the reasons discussed below, Applicants respectfully submit that the rejection of Claim 1 should be withdrawn.

A. Neither Reference Discloses Making the Items Being Auctioned Displayable to "Users Accessing an Intermediary Web Site"

Applicants first submit that neither of the cited references disclose or suggest making the information about the items being auctioned at the plurality of remotely located auction sites "**displayable to users accessing the intermediary web site**" as recited in Claim 1. The Office Action states that Srinivasan at Col. 3, line 65 to Col. 4, line 10 discloses making information about items being auctioned at a plurality of remote web sites displayable to users that access an intermediate web site. (Office Action, p. 3). Applicants respectfully disagree with this assertion.

Srinivasan states that the scan site **18** (the identified "intermediary web site" of Srinivasan) may notify a buyer **using electronic mail** upon determining that a product that closely matches the desired product has been put up for auction. (Srinivasan at Col. 3, line 65 to Col. 4, line 18). This e-mail notification clearly does not involve displaying information to a user on an intermediary web site. Moreover, no other portion of Srinivasan discloses a capability for a user to **access** the scan site 18 to obtain a **display** of information about items being auctioned at the plurality of remotely located auction sites as recited in Claim 1. Ortega likewise uses electronic mail to notify a user regarding auctions of interest, and clearly does not disclose or suggest making the information about items being auctioned at the plurality of remotely located auction sites "displayable to users accessing the intermediary web site." Accordingly, as neither of the cited references disclose this recitation of Claim 1, the rejection of Claim 1 should be withdrawn.

B. Obtaining Auction Item Data From a Plurality of Auction Sites

Claim 1 also recites that auction item data is obtained from a "**plurality** of remotely located auction sites." The Office Action cites to Ortega as disclosing this recitation of Claim 1. (Office Action at pp. 3-4). However, Ortega repeatedly indicates that only a **single**

auction database is queried, and Ortega simply does not provide any disclosure of obtaining auction item data from a plurality of remotely located auction sites. (*See, e.g.*, Ortega at Col. 4, lines 19-25; Col. 4, lines 26-29; and Col. 5, lines 22-26, each of which discuss how a single query is submitted to a single auction database). Accordingly, the failure of Ortega to disclose a method of updating auction information in which auction item data is retrieved from a plurality of auction sites provides a second, independent basis for withdrawal of the rejection of Claim 1.

C. Extracting Keywords From Obtained Data

Claim 1 further recites "extracting keywords from the obtained auction item data." The Office Action cites to Fig. 1 of Ortega as disclosing this recitation of Claim 1. (Office Action at 5). However, what Ortega discloses is that users may use keywords to identify items of interest so that the notification system can determine which auctions may be of interest to particular users. (*See, e.g.*, Ortega at Col. 3, line 64 through Col. 4, line 25). Ortega thus does not disclose "extracting keywords **from the obtained auction item data**", as the keywords of Ortega are instead extracted from a web page containing a users request. Accordingly, the rejection of Claim 1 should be withdrawn for this additional reason.

D. Storing the Extracted Keywords

Claim 1 also recites "storing the extracted keywords via the agent, wherein each stored keyword is associated with an item currently being auctioned at a respective one of the plurality of remotely located auction sites." The Office Action cites to Col. 4, line 58 through Col. 5, line 18 of Ortega as disclosing this recitation of Claim 1. (Office Action at 5). However, what the cited portion Ortega discusses is having the **users** input keywords of items that are of interest. As such, each keyword is not "associated with an item currently being auctioned at a respective one of the plurality of remotely located auction sites" as recited in Claim 1. Accordingly, the rejection of Claim 1 should be withdrawn for this additional reason.

E. Keywords Searchable by Users Accessing the Intermediary Web Site

Claim 1 also recites that "the stored keywords are searchable by users accessing the intermediary web site." The Office Action cites to Col. 4, line 58 through Col. 5, line 18 of Ortega as disclosing this recitation of Claim 1. However, Applicants respectfully submit that

the cited portion of Ortega contains no such disclosure. In fact, in Ortega, the keywords are entered by the user onto a web page for transmission to the notification system. (Ortega at Col. 5, lines 2-5). The keywords are not "searchable" by the user as recited in Claim 1 and, as noted above, the keywords are not extracted from "obtained auction item data" as is recited in another portion of Claim 1. The failure of the cited references to disclose these recitations of Claim 1 provide another basis for withdrawal of the rejection of Claim 1.

F. Summary

In order to make a *prima facie* rejection under 35 U.S.C. § 103, it is necessary to show that each of the recitations of the claim are disclosed in the cited prior art references, and that a skilled artisan would have been motivated to combine the prior art teachings to arrive at the claimed invention. As discussed above, the cited references fail to disclose or suggest at least five (5) different recitations of Claim 1, and hence the rejection of Claim 1 under 35 U.S.C. § 103 should be withdrawn for at least these reasons. Given Applicants showing to this effect, Applicants will not discuss the reasons why a person of skill in the art would not have been motivated to combine the cited references in the manner suggested in the Office Action.

II. The Rejection of Claims 2 and 54 Under 35 U.S.C. § 103

Claims 2 and 54 likewise stand rejected under 35 U.S.C. § 103(a) over Srinivasan in view of Ortega. Claim 2 depends from Claim 1 and hence Applicants respectfully submit that the rejection of Claim 2 should be withdrawn for at least the reasons that the rejection of Claim 1 should be withdrawn.

Claim 54 is another independent claim. Claim 54 stands rejected for the same reasons that Claim 1 is rejected. Claim 54 contains each of the four (4) recitations which Applicants show above are not disclosed or suggested in the cited references. Accordingly, the rejection of Claim 54 should be withdrawn for at least the reasons that the rejection of Claim 1 should be withdrawn.

III. New Claims 55-58

Applicants have added new Claims 55-58 to this case. Independent Claim 55 includes recitations that are identical or similar to the discussed in sections I.A, I.B, I.C, I.D and I.E.,

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and hence Claim 55, and Claims 56-58 which depend therefrom, are patentable over the cited art for reasons similar to the reasons why Claim 1 is patentable over the cited art.

IV. Conclusion

Applicants respectfully submit that all of the pending claims are now in condition for allowance, which is respectfully requested.

Respectfully submitted,

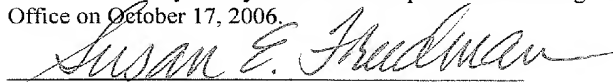


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